



City of NORFOLK

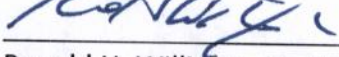
C: Dir., Department of Public Works

To the Honorable Council
City of Norfolk, Virginia

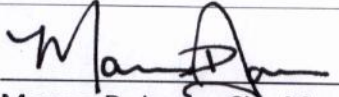
May 24, 2016

From: David L. Ricks, Director of Public Works

Subject: Encroach into the right-of-way of W. 21st Street with a reverse swing door and into Llewellyn Avenue with a reverse swing door for emergency use

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved: 
Marcus D. Jones, City Manager

Item Number:

R-5

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Richard and Judy Levin
240 W. 21st Street
Norfolk, Virginia 23517
- III. **Description:**
This agenda item is an ordinance permitting Richard and Judy Levin to encroach into the right-of-way at 240 W. 21st Street with a reverse swing door and into Llewellyn Avenue with a reverse swing door for emergency use.
- IV. **Analysis:**
The encroachment in this location will allow Richard and Judy Levin better access to their business, Pinot's Palette Norfolk.
- V. **Financial Impact:**
Liability insurance has been provided naming the City of Norfolk (the "City") as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.
- VI. **Environmental:**
N/A

VII. Community Outreach/Notification:

Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action:

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. Review and approval by the Architectural Review Board and the City Planning Commission is not required.

IX. Coordination/Outreach:

This letter has been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Public Works:

- Ordinance
- Exhibit A (3 Sheets)

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT. Public Works

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE PERMITTING RICHARD AND JUDY LEVIN TO ENCROACH INTO THE RIGHT-OF-WAY OF W. 21ST STREET WITH A REVERSE SWING ENTRANCE DOOR AND INTO LLEWELLYN AVENUE WITH A REVERSE SWING DOOR FOR EMERGENCY USE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Richard and Judy Levin (the "Levins") to encroach into the right-of-way at 240 W. 21st Street with a reverse swing entrance door, and into Llewellyn Avenue with a reverse swing door for emergency use, as shown on Exhibit A attached hereto. Such permission being further subject to the following conditions:

- (1) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, the Levins, or their successors and assigns, shall immediately remove the encroaching structures.
- (2) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (3) That the Levins, or their successors and assigns, at their own cost and expense, shall take out and keep in full force and effect during the term of the encroachment general liability insurance with a company authorized to do business in the Commonwealth of Virginia, insuring and naming the City of Norfolk ("City") as an additional insured in the amount of at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City and/or the Levins, and their successors and assigns, for any injury to, or death of any person or persons, or for any damage to, or destruction of

property resulting from the installation, maintenance, or existence of said encroaching structures, with evidence of such insurance being provided to the City.

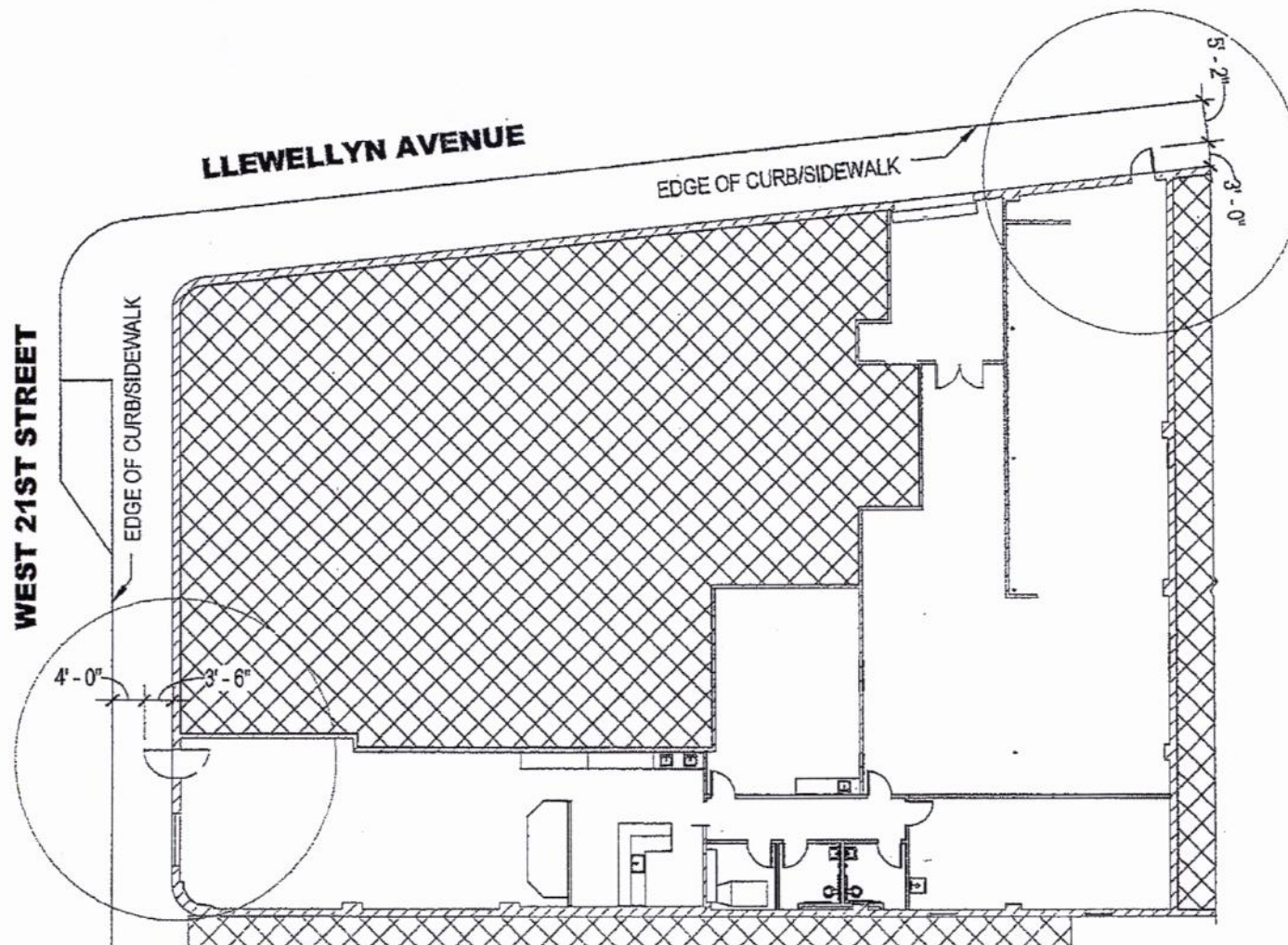
- (4) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located in the right-of-way at the property address of 240 W. 21st Street.

Section 2:- That the failure of the Levins, or their successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by the Levins, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A TO ORDINANCE



① SIDEWALK ENCROACHMENT PLAN
1" = 20'-0"

WPA
WORK PROGRAM ARCHITECTS
757.227.5810

PINOT'S PALETTE NORFOLK
240 WEST 21ST STREET

Project #

1536

Date

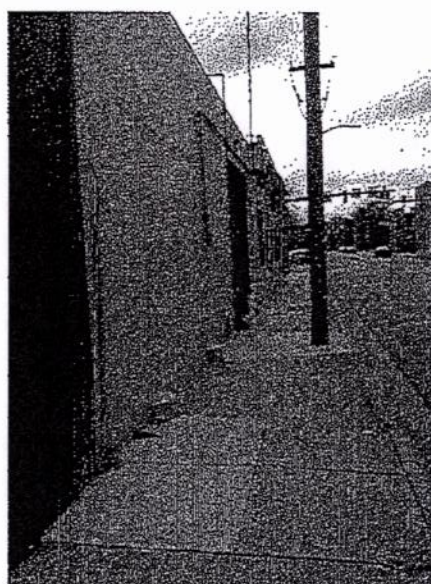
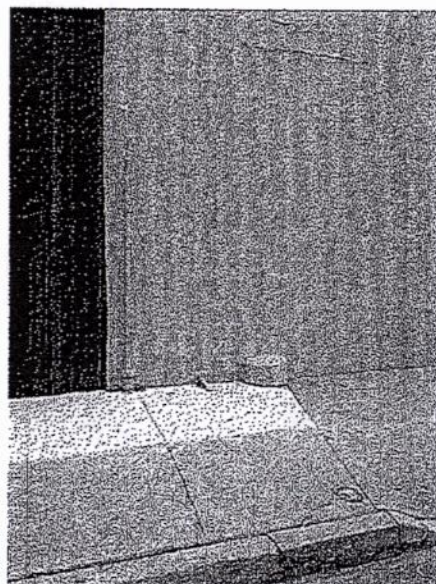
22 FEB 2016

SIDEWALK
ENCROACHMENT

G100



SIDEWALK ENCROACHMENT AT WEST 21ST STREET



SIDEWALK ENCROACHMENT AT LLEWELLYN AVENUE

WPA
WORK PROGRAM ARCHITECTS
757.227.5310

**PINOT'S PALETTE NORFOLK
240 WEST 21ST STREET**

Project #

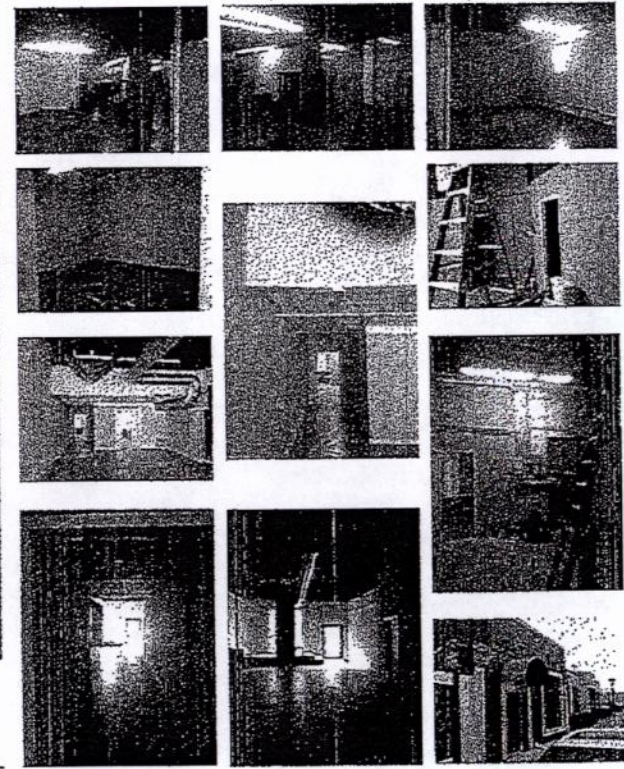
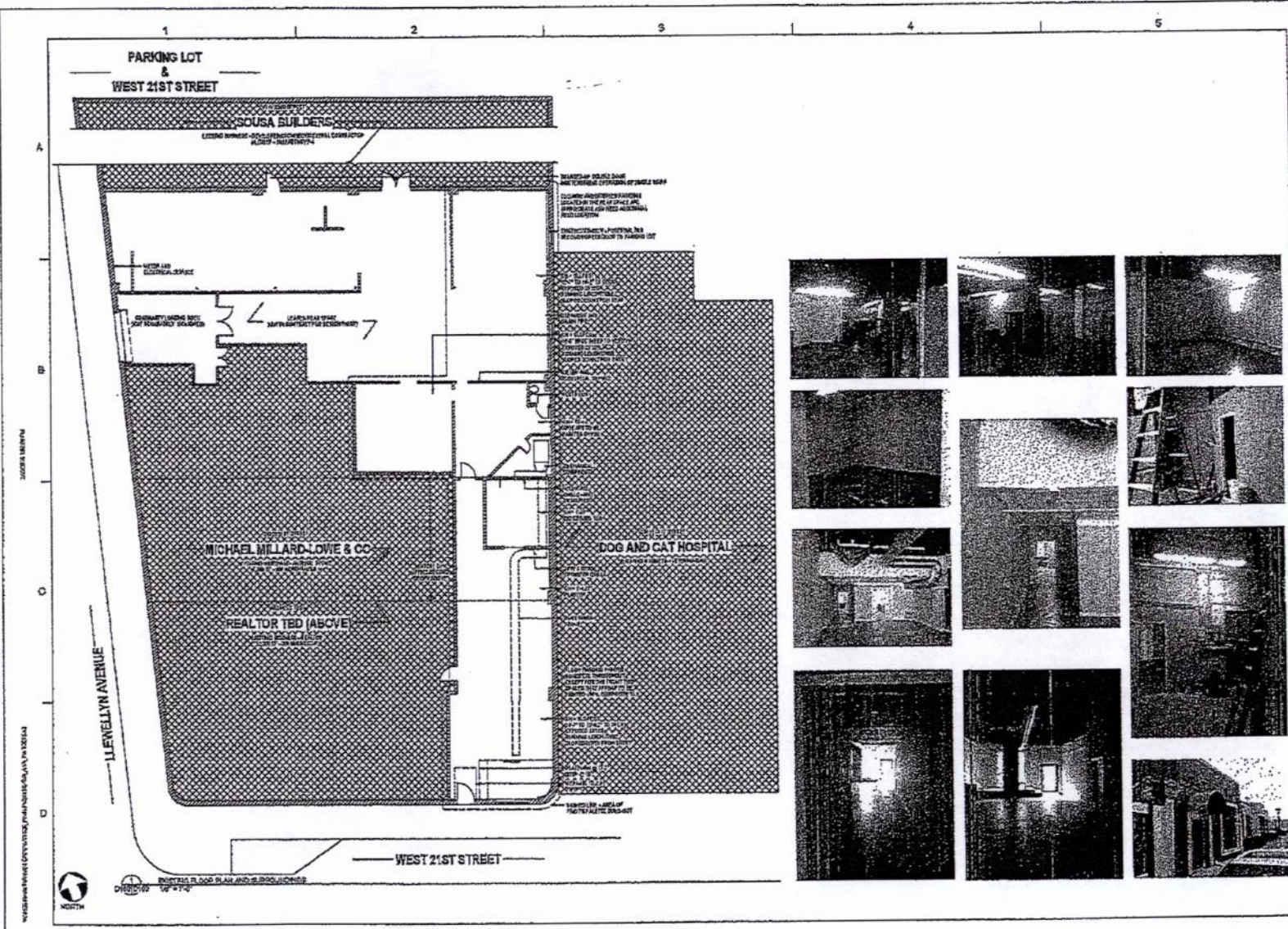
1536

Date

22 FEB 2016

SIDEWALK
ENCROACHMENT
IMAGES

G200



WCA
WILLIAMS & CO
ARCHITECTS
1000 E. 10TH AVE
SUITE 200
DENVER, CO 80202
PHONE: 303.733.7300

TRACE AND DEAN WILLIAMS

PINOT'S PALETTE NORFOLK

CONSTRUCTION DOCUMENTS PROGRESS SET

PROJECT #

DATE

BY

REVISIONS

D100

EXISTING FLOOR PLAN AND PHOTOGRAPHS